D.B.CIVIL WRIT PETITION 539/2006
Union of India & ors. v. Babu Lal Meena & anr.

Date of order : 04.05.2006

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE DINESH MAHESHWARI

Shri Kamal Dave for the petitioners.
Shri S.K.Malik for respondent no.1.

This writ petition has been listed for hearing on the point of admission. However, with the consent of counsel for the parties, the petition was taken up for final hearing.

The writ petition is directed against an interim order of the Central Administrative Tribunal, Jodhpur Bench dated 4.10.2005 staying further selection proceeding for selection on the posts of Chief Goods Supervisor in the North Western Railway. The only submission advanced on behalf of Union of India is that at best the Tribunal should have kept one post reserved for the applicant Babu Lal Meena so that in the event of success in the original application effective relief may be granted to him, but staying the entire selection process was not warranted and it is not in the interest of administration.

Counsel for the respondent submitted that writ petition against interim order is not maintainable. He also stated that another original

application by D.K.Gaur seeking similar relief is pending before the Tribunal. We considered for a while the desirability of keeping two posts vacant for the respondent as well as D.K.Gaur, even though no interim order has been passed in his case, but we are told that D.K.Gaur has superannuated from service and therefore there is no occasion to keep any post vacant for him.

We are of the view that ends of justice would be satisfied by keeping one post vacant and allowing the selection process to continue for the remaining posts which will protect not only the interest of Babu Lal Meena but also the department. The order of the Central Administrative Tribunal dated 4.10.2005 is modified to this extent and the writ petition is accordingly disposed of.

(DINESH MAHESHWARI),J. (S.N.JHA), C.J

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